

## HAMILTON, BROOK, SMITH &amp; REYNOLDS, P.C.

## REQUEST

## FOR

CONTINUED EXAMINATION (RCE)  
TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,  
provides for continued examination of a utility or plant application  
filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA)

Application Number	09/321,090
Filing Date	May 28, 1999
Confirmation Number	5972
First Named Inventor	Richard L. Frank
Group Art Unit	2858
Examiner Name	Walter Benson
Attorney Docket Number	1958.1018-000

#3  
5/6/03

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTE:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**a. ☐ Previously submitted

i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on [ ].  
(Any unentered amendment(s) referred to above will be entered).

ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on [ ].

iii. ☐ Other -- [ ].

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/Declaration(s)

iii. ☒ Information Disclosure Statement (IDS)

iv. ☒ Petition for Extension of Time - 4 months with copy

v. ☒ Other -- Amendment Fee Transmittal.

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2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of [ ] months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)

b. ☐ Other -- [ ].

3. **Fees** The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.

a. ☒ A check is enclosed for the following fees in the total amount of \$ 3070  
OR

☐ Authorization is granted to charge the following fees in the total amount of \$[ ] to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes

i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)

ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)

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iii. ☒ Amendment Fee

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750.00 DP

iv. ☐ Other -- [ ].

b. ☒ Authorization is hereby granted to charge any deficiency in fees or credit any overpayments to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

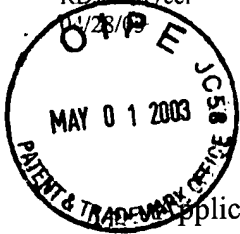
## SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED

Name (Print/Type)	Rodney D. Johnson	Registration No. (Attorney/Agent)	36,558
Signature		Date	April 28, 2003

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Box RCE, P.O. Box 2327, Arlington, VA 22202, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print/Type)	Elaine Leahy		
Signature		Date	April 28, 2003



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:

Richard L. Frank, Michael J. Cusson, Joydip Kundu and  
Daniel E. O'Shaughnessy

Application No.:

09/321,090

Group:

2858

Filed:

May 28, 1999

Examiner:

Walter Benson

For:

A QUORUMLESS CLUSTER USING DISK-BASED MESSAGING

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231

on

April 28, 2003

Date

Elaine Leahy

Signature

Elaine Leahy

AMENDMENT FOR CONTINUED EXAMINATION

Box AF

Assistant Commissioner for Patents

P.O. Box 2327

Arlington, VA 22202

Sir:

This Amendment For Continued Examination is being filed in response to the Final Office Action mailed from the U.S. Patent and Trademark Office on May 22, 2002. Reconsideration and further examination are requested.

A Request For Continued Examination under 37 C.F.R. § 1.114 is being filed in lieu of filing a Brief on Appeal pursuant to the Notice of Appeal received in the U.S. Patent and Trademark Office on October 22, 2002. A four-month extension of time is respectfully

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